



## U.S. Department of Justice

United States Attorney  
Southern District of New York

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

December 28, 2021

**BY ECF**

The Honorable Paul G. Gardephe  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, New York 10007

Re: ***United States v. Michael Avenatti,  
S1 19 Cr. 373 (PGG)***

Dear Judge Gardephe:

The Government respectfully submits this letter in response to the letter dated December 20, 2021 from counsel for Gary Franklin, Sr. ("Ltr."), which the Government understands was delivered to the Court by FedEx. In his letter, Mr. Franklin requests that the operative protective order in this case be modified.

This Court entered the operative protective order on August 30, 2019 (Dkt. No. 44 (the "Amended Protective Order")). In light of the particular purposes that the Amended Protective Order was intended to serve and its specific form and terms, the Government opposes Mr. Franklin's request to "modify" the Amended Protective Order to "include" him and his counsel. (Ltr. 1.) However, in light of the circumstances presented and in the interests of justice (*see id.* at 1-5), the Government has no objection to the Court's entry of a supplemental protective order that permits defendant Michael Avenatti to produce to Mr. Franklin the materials with control numbers GG\_SDNY\_00000001-GG\_SDNY\_00000096, USAO373\_00026416-USAO373\_00026418, USAO373\_00029866-USAO373\_00029936, and USAO373\_00046966-USAO373\_00046984, which were deemed "Confidential Information" under the terms of the Amended Protective Order and appear to be potentially responsive to Mr. Franklin's document request to Mr. Avenatti, to the extent Mr. Avenatti is required to do so in connection with the civil case pending in the California Superior Court for the County of Los Angeles captioned *Franklin v. Geragos*, No. 20STCV37797 (the "Civil Case"), and provided that the supplemental protective order specifies that Mr. Franklin "and his counsel may not use, disclose, or disseminate [the aforementioned materials], or any information taken from [the aforementioned materials], for any purpose other than in connection with" the Civil Case (Dkt. No. 44 at 5-6), subject to any rules or protective order in that litigation.

Honorable Paul G. Gardephe  
United States District Judge  
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Page 2

Mr. Avenatti provided the following for inclusion herein: "Mr. Avenatti consents to sharing the documents designated by the government with Mr. Franklin's lawyers and will confer with the government to identify additional responsive documents that should also be disclosed."

Respectfully submitted,

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cc: Counsel of Record (by ECF)

Trent Copeland, Esq. (by email)